

Effective 5/13/2014

Superseded 5/10/2016

53A-1a-502.5 Approval of increase in charter school enrollment capacity.

- (1) For the purposes of this section:
 - (a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.
 - (b) "Next school year" means the school year that begins on or after the July 1 immediately following the end of a general session of the Legislature.
- (2) The State Board of Education may approve an increase in charter school enrollment capacity in the 2012-13 school year or thereafter subject to the Legislature:
 - (a) appropriating funds for an increase in charter school enrollment capacity in the next school year; or
 - (b) authorizing an increase in charter school enrollment capacity in the school year immediately following the next school year.
- (3) In appropriating funds for, or authorizing, an increase in charter school enrollment capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section 53A-1a-501.9.
- (4)
 - (a) A charter school may annually submit a request to the State Board of Education for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.
 - (b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.
 - (c) The State Board of Education shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Section 53A-1a-513 to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.
 - (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.
- (5)
 - (a) If the Legislature does not appropriate funds for an increase in charter school enrollment capacity that is tentatively approved by the State Board of Education, the State Board of Education shall prioritize the tentatively approved schools and expansions based on approved funds.
 - (b) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status for available funding.
- (6)
 - (a) Except as provided in Subsection (5)(b) or (6)(b), in approving an increase in charter school enrollment capacity for new charter schools and expanding charter schools, the State Board of Education shall give:
 - (i) high priority to approving a new charter school or a charter school expansion in a high growth area; and
 - (ii) low priority to approving a new charter school or a charter school expansion in an area where student enrollment is stable or declining.

- (b) An applicant seeking to establish a charter school in a high growth area may elect to not receive high priority status as provided in Subsection (6)(a)(i).